

SCHUBERT & REED LLP

Robert C. Schubert (S.B.N. 62684)
Juden Justice Reed (S.B.N. 153748)
Miranda Kolbe (S.B.N. 214392)
Three Embarcadero Center, Suite 1650
San Francisco, California 94111
Telephone: (415) 788-4220
Facsimile: (415) 788-0161

**SCHIFFRIN BARROWAY
TOPAZ & KESSLER, LLP**

Eric L. Zagar
Robin Winchester
280 King of Prussia Road
Radnor, Pennsylvania 19087
Telephone: (610) 667-7706
Facsimile: (610) 667-7056

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

In re BEA SYSTEMS, INC. DERIVATIVE)
LITIGATION)

Master File No. C-06-4459 (RMW)

This Document Relates to: All Actions)

**[PROPOSED] ORDER TO
CONSOLIDATE CASES
FOR ALL PURPOSES, APPOINT
LEAD PLAINTIFFS, LEAD COUNSEL
AND LIAISON COUNSEL**

To Be Consolidated With:

FILED

JAN 26 2007

CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

3. Lead Counsel shall have authority to speak for Plaintiffs in matters regarding pretrial and trial procedure and settlement negotiations, and shall make all work assignments in

1 such manner as to facilitate the orderly and efficient prosecution of this litigation and to avoid
2 duplicative or unproductive effort.

3 4. Lead Counsel shall be responsible for coordination of all activities and
4 appearances on behalf of Plaintiffs and for the dissemination of notices and orders of this Court.
5 No motion, request for discovery, or other pretrial proceedings shall be initiated or filed by
6 Plaintiffs except through Lead Counsel.

7 5. Lead Counsel shall also be available and responsible for communications to and
8 from this Court. Lead Counsel shall be responsible for the creation and maintenance of a master
9 service list of all parties and their respective counsel.
10

11 6. The law firm of Schubert & Reed LLP shall be appointed as Liaison Counsel.
12 Liaison Counsel shall be responsible for the following: i) to maintain and distribute to the Court,
13 to counsel for plaintiffs, and to counsel for defendants an up-to-date comprehensive service list;
14 (ii) to communicate with the Court on behalf of plaintiffs with respect to procedural matters; (iii)
15 to file briefs and motions on behalf of plaintiffs; and (iv) any other matters which Lead Counsel
16 may choose to delegate.
17

18 7. Defendants take no position with respect to appointment of Lead Plaintiffs,
19 Lead Counsel and Liaison Counsel.

20 8. Defendants' counsel may rely upon all agreements made with Lead Counsel and
21 Liaison Counsel or other duly authorized representatives of Plaintiffs and such agreements shall
22 be binding on Plaintiffs.
23

24 **IT IS SO ORDERED.**

25 Dated: 1/26/07

Ronald M. Whyte
United States District Judge